

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	09 MD 2017 (LAK)
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LEHMAN BROTHERS SECURITIES AND	:	
ERISA LITIGATION	:	<b>ECF CASE</b>
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This Document Applies to:	:	
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<i>In re Lehman Brothers Mortgage-Backed</i>	:	
<i>Securities Litigation, No 08-CV-6762.</i>	:	
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**PLAINTIFFS' NOTICE OF UNOPPOSED MOTION FOR (I) CERTIFICATION OF  
THE CLASS FOR PURPOSES OF SETTLEMENT, (II) APPROVAL OF NOTICE TO  
THE CLASS AND (III) SCHEDULING OF FINAL APPROVAL HEARING**

**PLEASE TAKE NOTICE** that Lead Plaintiff Locals 302 and 612 of the International Union of Operating Engineers – Employers Construction Industry Retirement Trust (the “Operating Engineers” or “Lead Plaintiff”) and Additional-Named Plaintiffs New Jersey Carpenters Health Fund (the “New Jersey Carpenters”) and Named-Plaintiff Boilermakers-Blacksmith National Pension Trust (the “Boilermakers”, with Operating Engineers and New Jersey Carpenters, collectively referred to as “Plaintiffs”) on behalf of themselves and the Settlement Class (as hereinafter defined), in the action captioned *In re Lehman Brothers Mortgage-Backed Securities Litigation*, No. 08-CV-6762 (LAK) (the “Class Action”) and proposed intervenors Iowa Public Employees’ Retirement System (“IPERS”) and Public Employees’ Retirement System of Mississippi (“MissPERS” and, with IPERS, the “Intervenors”) through counsel, hereby move this Court before the Honorable Lewis A. Kaplan, for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure: certifying the Class for settlement purposes only; appointing Plaintiffs and Intervenors as Class Representatives and Cohen Milstein Sellers & Toll, PLLC as Class Counsel; approving the proposed forms of the Notice of Pendency of Class Action and Proposed Settlement and the Summary Notice of Pendency of Class Action and Proposed Settlement; approving the proposed methods of disseminating notice; approving Rust Consulting, Inc. as Claims Administrator; setting a date for the Settlement Hearing; and such other and further relief as the Court deems just and proper. Defendants will not oppose the Motion.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Plaintiffs and Intervenors submit herewith: a Memorandum of Law in Support of their Unopposed Motion for (i) Certification of the Class for Purposes of Settlement, (ii) Approval of Notice to the Class, and (iii) Scheduling of a Final Approval Hearing; the accompanying Declaration of Kenneth M.

Rehns, dated January 13, 2012, with attached exhibits; and the Proposed Preliminary Approval Order Providing for Notice and Hearing in Connection with Proposed Class Action Settlement, with attached exhibits.

Dated: New York, New York  
January 13, 2012

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*Counsel for Intervenor Public Employees'  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 13, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel.

**COHEN MILSTEIN SELLERS &  
TOLL, PLLC.**

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